THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO. 15258 of 1997

Dated: 05-07-2006

Between:

M.V.Subbaraju

..... PETITIONER

AND

The Govt., of A.P., rep., by its
Principal Secretary,
Higher Education Department,
Secretariat, Hyderabad and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.15258 of 1997

ORDER:

The petitioner at the relevant time worked as lecturer in English in the evening college. He is aggrieved by the proceedings of the Commissioner transferring him from second shift courses (evening college) to day college. This Court while admitting the writ petition on 16-07-1997, in W.P.M.P.No.18480 of 1997 ordered *status quo*. The action of the respondents in transferring the petitioner from evening college to day college is assailed on the ground that the same is contrary to the norms of Andhra University to which the third respondent-college is affiliated and that the same contravenes the guidelines issued by the Government in G.O.Ms.No.127 dated 07-06-1993.

The Joint Director in the office of the Director of Collegiate Education has filed a counter-affidavit. It is stated that the petitioner was appointed as a part time lecturer on 15-10-1984 in third respondent-college, which was subsequently given autonomous status by Andhra University. The allegation that teaching staff of evening courses is different from the teaching staff of day college is denied. Reference is made to the orders of Government in G.O.Ms.No.599, Education (J) Department, dated 30-12-1983, where under it was ordered that with effect from 01-01-1984 the entire college including day college, evening college and post graduate courses be treated as one unit for maintaining communal roster for aided teaching posts. It is also stated that the third respondent-college is no more in existence and it was closed due to un-economic strength. In 1996-1997, the workload in the department of English was 177 hours requiring eight lecturers at the rate of 20 hours per week. Accordingly the petitioner was declared as surplus as he was the last person in seniority among the lecturers in English. After retirement of Sri K. Ramachandraiah, Head of the Department of English, the petitioner was retained in third respondent-college as per rules. The allegation that there is a proposal to shift surplus lecturers from evening college to day college is denied.

Though a copy of the counter-affidavit is served on the learned counsel for the petitioner on 12-07-2004, no reply-affidavit is filed denying the counter averments. This alone shows that the fact that the evening college now stands closed and for the purpose of communal roster staff in all the wings of the third respondent-college are treated as staff in one unit remains uncontroverted.

Therefore, the writ petition, which is devoid of merits, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

5th July, 2006
ghn